

REMARKS

The present amendment is in response to the Office Action dated July 3, 2006, wherein the Examiner has rejected claims 1-25. Claims 1, 3, 6, 10, 13, 14, 16, 17, 21 and 23 have been amended. Claim 9 has been canceled.

Accordingly, claims 1-8 and 10-25 are pending in the present application.

Reconsideration and allowance of pending claims 1-8 and 10-25 in view of the amendments and the following remarks are respectfully requested.

A. Claim Rejections Under §102:

Paragraph 2 of the Office Action rejects claims 6-16, 18, 20, and 22 under 35 U.S.C. § 102(b) as being anticipated by Bruckert (U.S. 6,018,651) hereinafter Bruckert. Applicant respectfully traverses the rejection because Bruckert fails to teach, suggest, or disclose every element of the claims. Claim 9 has been canceled, rendering the rejection of claim 9 moot.

Certain embodiments of the invention disclosed in the present application are directed to systems and methods for switching between signals received over a first and a second antenna by controlling an amplifier connected to the first antenna and an amplifier connected to the second antenna. By using multiple antennas and selecting the antenna with the best reception, overall reception can be improved. Further, by controlling the amplifiers rather than switching between them power consumption, heat, and/or noise generated by the amplifier that is not selected can be reduced and/or eliminated.

Accordingly, claim 6, as amended recites "providing the control signal to one or more amplifiers, wherein the control signal controls a *level of amplification*

of the signal received over the first antenna and the second antenna.” Thus, as claimed in claim 6 the amplification of each amplifier is controlled, rather than switching between the two amplifiers.

Significantly, as discussed above, controlling the amplifier power consumption, heat, and/or noise generated by the unused amplifier can be reduced. For example, in one embodiment the amplifier can be turned off using the control signals. When an amplifier is turned off it will not consume power or generate heat. This can, for example, increase the time between recharges in a battery operated system. Additionally, lower heat generation can lessen the need for cooling, improve component performance, and increase component life. In another embodiment the amplification of an amplifier can be decreased to reduce the amplitude of an antenna signal that is not selected. This can also decrease power consumption, heat, etc.

Contrary to the assertion contained in the Action, Bruckert fails to teach or suggest such subject matter. Specifically, Bruckert teaches switching between amplifiers 135 and 139 using switches 118 and 120 respectively. (See Bruckert, Fig. 1). Switch 118 connects and disconnects amplifier 135 to downconverter 155 over line 145. Additionally, switch 120 connects and disconnects amplifier 139 to downconverter 155 over line 145. Thus, Bruckert teaches switching between two amplifiers, not controlling the amplifiers themselves.

Accordingly, Bruckert does not teach each and every element of the invention claimed in claim 6. Applicant therefore, respectfully requests that the

rejection as to claim 6 be withdrawn. Further, claims 7-8 and 10-12 ultimately depend from claim 6 and are allowable for at least the reasons discussed above with respect to claim 6. Accordingly, Applicant respectfully requests that the rejection as to claims 7-8 and 10-12 be withdrawn. Claim 10 has been amended to depend from claim 6 because claim 9, which claim 10 originally depended from, has been canceled. Claim 16 has been amended to improve readability.

Similar to claim 6, claim 13 recites "generating one or more control signals to control *the amplifying*." Thus, as claimed in claim 13, the amplifying is controlled, rather than switching between the amplifiers as taught in Bruckert. Accordingly, claim 13 is allowable for virtually the same reasons discussed above with respect to claim 6. Applicant therefore, respectfully requests that the rejection as to claim 13 be withdrawn. Claim 13 has been amended to correct a typographical error.

Further, claims 14-16 ultimately depend from claim 13 and are allowable for at least the reasons discussed above with respect to claim 13. Accordingly, Applicant respectfully requests that the rejection as to claims 14-16 be withdrawn. Claim 14 has been amended to improve readability.

Similar to claims 6 and 13, claim 18 recites "selectively enabling or disabling the first and the second amplifier." Thus, as claimed in claim 18, the amplifiers are selectively enabled or disabled, rather than switching between the amplifiers as taught in Bruckert. Accordingly, claim 18 is allowable for virtually the same reasons discussed above with respect to claims 6 and 13. Applicant therefore, respectfully requests the rejection as to claim 18 be withdrawn.

Further, claims 20 and 22 ultimately depend from claim 18 and are allowable for at least the reasons discussed above with respect to claim 18. Accordingly, Applicant respectfully requests that the rejection as to claims 20 and 22 be withdrawn.

B. Claim Rejections Under §103:

Paragraph 3 of the Office Action rejects claims 1-5, 17, 21, and 23-25 under 35 U.S.C. § 103(a) as being obvious in view of Bruckert in further view of Shoji (U.S. 6,768,464) hereinafter Shoji. Applicant respectfully traverses the rejection because Bruckert in further view of Shoji fails to make out a *prima facie* case of obviousness.

Certain embodiments of the invention disclosed in the present application are directed to systems and methods for switching between signals received over a first or a second antenna by controlling a switching element. By using a *single switching element* the number of components in the system can be reduced. Thus, in certain embodiments this can reduce cost, size, and/or improve reliability.

Accordingly, claim 1 as amended recites “a *single* switching element, responsive to the one or more control signals, configured to selectively provide either the signal received via the first antenna or the signal received via the second antenna to the processor.” Thus, as claimed in claim 1 both antennas are coupled to a single switching element. (See, e.g, Fig. 2, switch 212; Fig. 5, switch 504; Fig. 7, switch 704; and Fig. 8, switch 804).

This is important because, as discussed above, costs and size can be reduced and reliability can be improved. For example, in one embodiment a single switching element can be smaller than two separate switches. Thus, the single switching element can take up less room on a circuit board than two individual switches. In another embodiment reliability can be improved.

Generally, as the number of components in a system increases, the reliability of the system decreases. This is, of course, dependent on the reliability of each of the components in the system. But, assuming that the reliability of a single switching element is about the same as the reliability of a single switch, as used in Bruckert, and that the rest of each systems components are similarly reliable, a system using a single switching element will tend to be more reliable than a system using multiple switches, as taught in Bruckert.

Contrary to the assertion contained in the Action, Bruckert fails to teach or suggest such subject matter. Specifically, Bruckert teaches switching between amplifiers 135 and 139 using two switches 118 and 120 respectively, rather than a single switching element. (See Bruckert, Fig. 1). Further, nothing in Shoji makes up for the deficiencies of Bruckert.

Accordingly, neither Bruckert or Shoji, alone or in combination teach the system claimed in claim 1. Applicant therefore respectfully requests withdrawal of the rejection as to claim 1. Claim 1 has been amended to improve readability and correct a typographical error. Further, claims 2-5 ultimately depend from claim 1 and are allowable for at least the reasons discussed above with respect

to claim 1. Applicant therefore, respectfully requests that the rejection as to claims 2-5 be withdrawn. Claim 3 has been amended to improve readability.

Claim 17 ultimately depends from claim 13 and is allowable for at least the reasons discussed above with respect to claim 13. Applicant therefore, respectfully requests that the rejection as to claim 17 be withdrawn. Claim 17 has been amended to improve readability.

Claim 21 ultimately depends from claim 18 and is allowable for at least the reasons discussed above with respect to claim 18. Applicant therefore, respectfully requests that the rejection as to claim 21 be withdrawn. Claim 21 has been amended to improve readability.

Claim 23 recites "means for providing, responsive to the control signal, either of the first signal or the second signal to the means for processing." As mandated by 35 U.S.C. § 112, Par. 6 a means element in a patent claim "shall be construed to cover the corresponding structure...described in the specification." As described in the specification, recites "means for providing, responsive to the control signal, either of the first signal or the second signal to the means for processing" can include, e.g., a single switch (see Fig. 2, 212), controlling amplification (see Fig. 5, 352 and 356), and using a resistive network (see Fig. 6, 604). None of the structure described in the specification uses multiple switches, as shown in Bruckert (see Bruckert, Fig. 1, 118 and 120). Further, two switches are not equivalent to the structure described in the specification because, as described above, by using *a single switching element* the number of components in the system can be reduced.

Thus, similar to claim 1, neither Bruckert nor Shoji, alone or in combination teach the system claimed in claim 23. Accordingly, claim 23 is allowable for virtually the same reasons discussed above with respect to claim 1. Applicant therefore, respectfully requests the rejection as to claim 23 be withdrawn. Claim 23 has been amended to improve readability.

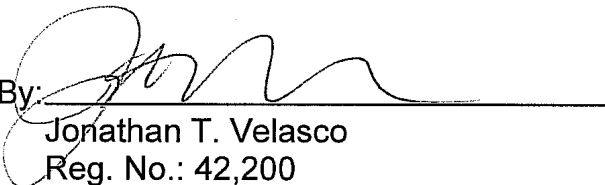
Claims 24-25 ultimately depend from claim 23 and are allowable for at least the reasons discussed above with respect to claim 23. Accordingly, Applicant respectfully requests that the rejection as to claims 24-25 be withdrawn.

C. Conclusion

For all the foregoing reasons, allowance of claims 1-8 and 10-24 pending in the present application is respectfully requested. If necessary, applicant requests, under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application and to charge the fees for a large entity under 37 CFR 1.17(a). The Director is authorized to charge any additional fee(s) or any underpayment of fee(s) or credit any overpayment(s) to Deposit Account No. 50-3001 of Kyocera Wireless Corp.

Respectfully submitted,

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By: 
Jonathan T. Velasco
Reg. No.: 42,200

Jonathan T. Velasco
KYOCERA WIRELESS CORP.
P.O. Box 928289
San Diego, California 92192-8289
Direct Dial: (858) 882-3501
Direct Fax: (858) 882-2485